IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOs.2642 And 2643 of 1996

1. Writ Petition No.2642 of 1996

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Between:

Pagadala Venkat Reddy, S/o. P.Venkata Rama Reddy,
Jakkepalli post, Kushmanchi (M),
Khamnam Dist.

...PETITIONER

AND

The Jakkepalli Primary Agricultural Co.op Credit Society, Jakkepalli, Kushmacchi (M), Khammam District,

rep.by it's President Sri .Yanala Chinna Linga Reddy.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or a writ more particularly one in the nature of 'WRIT OF CERTITIORARI' and after calling for records in proceedings dt. 8-1-1996 and quash the same.

Counsel for the Petitioner: MR.S.RAVINDRANATH

Counsel for the Respondent: None appeared

2.WRIT PETITION NO.2643 of 1996

Between:

T.Veera Reddy, S/o. T.Venkat Reddy,
Jakkepalli Post, Kushmanchi Mandal,
Khammam District.

...PETITIONER

AND

The Jakkepalli Primary Agricultural Co.Op.Credit Society, Jakkepalli Kushmanchi Mandal, Khammam District.Rep., by its President Sri.Yanala Chinna Linga Reddy.

..RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order, Direction or a Writ more particularly one in the nature of 'WRIT OF CERTITOARI' and after calling for records in proceedings dated 8.1.96 and quash the same.

Counsel for the Petitioner: MR.S.RAVINDRANATH

Counsel for the Respondent: None appeared

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.2642 And 2643 of 1996

COMMON ORDER:

Since common question of law arises, the two matters are taken up for disposal with this common order.

Heard the learned counsel for the petitioners. Though served, none appears for the respondents.

In these two Writ Petitions, the petitioner in W.P.No.2642 of 1996 and the petitioner in W.P.No.2643 of 1996 are the Paid Secretary and Clerk respectively working as employees of the respondent/Society. Challenging the orders passed on 08.01.1996 terminating the services of the petitioners, they filed these Writ Petitions seeking a writ of certiorari *inter alia* on the ground that the respondent being a Society squarely covered by the provisions of the A.P.Shops & Establishments Act ('the Act' for short) and the said order of termination is not in terms of the mandate as contained in the provisions there of and however, it also violates Section 25-F of the Industrial Disputes Act. Therefore, the petitioners submit that having regard to the clear violation of Section 47 of the Act, especially where there is no specific cause or reason mentioned in the impugned order and the same is in the teeth of the said mandate. Hence, they filed the present Writ Petitions.

Having heard the learned counsel for the petitioners and the question put forth for consideration as to whether the impugned orders of termination dated 08.01.1996 are illegal.

Before considering the same, it is apt to note that the impugned order in both the Writ Petitions reads as follows:

1. W.P.No.2642 of 1996

2. W.P.No.2643 of 1996

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On a look at the orders, apparently there is no averment or any reason given for termination of the petitioners and in such termination except saying that their service is terminated and this accompany with a cheque towards the salary for a period of one month, nothing has been stated. There cannot be any dispute also in regard to the fact that the provisions of the Act have application to the Society deserving its employees. On a mere reading of the impugned order, there is a clear violation of Section 47 of the said Act for the reasons that does not contain any reason.

It is also seen that this Court has granted interim direction of suspension of the impugned orders as long back as on 15.02.1996 in both the Writ Petitions in W.P.M.P.Nos.3164 and 3165 of 1996 and the same are still subsisting and the petitioners are apparently continued to remain in service. Having regard to the finding given that it is a clear violation of the aforesaid Act, there is no doubt but to hold that the impugned orders are totally illegal.

Both the Writ Petitions are accordingly allowed.

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(B.PRAKASH RAO, J)

29th November 2004

RRB

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday,

The 29th day of November 2004.

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The President, The Jakkepalli Primary Agricultural Co.op Credit Society, Jakkepalli, Kushmacchi (M), Khammam District.

2. Two CD copies.